



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 24, 1998

Ms. Linda Wiegman
Supervising Attorney
Office of General Counsel
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756-3199

OR98-0527

Dear Ms. Wiegman:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 112788.

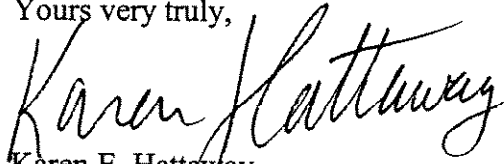
The Texas Department of Health (the "department") received a request for information about Home Health Specialist, Inc. You contend that section 552.101 of the Government Code, in conjunction with various state statutes and federal regulations, excepts the requested information from disclosure. We have considered the exception you claim and have reviewed the documents at issue.

The submitted documents consist of reports about a home health agency's compliance with federal law as a Medicare provider. Federal regulations require the department to release the HCFA 2567, statements of deficiencies and plans of correction, provided that (1) no information identifying individual patients, physicians, other medical practitioners, or other individuals shall be disclosed, and (2) the provider whose performance is being evaluated has had a reasonable opportunity to review the report and to offer comments. *See* 42 C.F.R. §§ 401.126, .133; Open Records Decision No. 487 (1988) at 5. It appears that the providers have had a reasonable opportunity to review and comment on the reports. We have marked the identifying information that must be withheld from these reports. The remaining information in these reports must be released in accordance with federal regulations.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented

to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, reading "Karen Hattaway". The signature is fluid and cursive, with the first name "Karen" and last name "Hattaway" clearly distinguishable.

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 112788

Enclosures: Marked documents

cc: Mr. Jim Brewer
Brewer & Associates
P.O. Box 982
Athens, Texas 75751
(w/o enclosures)